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UNCLAS SECTION 01 OF 06 BELGRADE 000137

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E.O. 12958: N/A
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SUBJECT: SERBIA: ANNUAL TRAFFICKING IN PERSONS REPORT

REF: A) 08 State 132759, B) Belgrade 17, C) 08 Belgrade 1250, D)
Belgrade 32, E) 08 Belgrade 224

1. Serbia's TIP Situation

1A. Both the office of the National Coordinator for Combating Trafficking in Persons and the Agency for Coordination of Protection of Trafficking Victims, as well as other government ministries and agencies, provide information about trafficking in persons. In addition, the International Organization for Migration, the Organization for Security and Cooperation in Europe, and various NGOs provide information. Information is generally reliable.

1B. Serbia is a country of origin, transit, and a destination for internationally and internally trafficked men, women, and children. The government's Agency for the Coordination of Protection of Victims of Trafficking recorded 55 trafficking victims in 2008. Of these, there were 48 females and 7 males; 30 were minors; 49 were Serbian citizens and 6 foreigners (2 from Uzbekistan, 2 from Moldova, and 2 from Macedonia). The number of foreigners was likely higher than reported Romanians and Bulgarians do not need visas in Serbia, they are scrutinized less by officials, and victims are more difficult to identify. Foreign trafficking victims are moved into Serbia primarily through the Balkan route, from Eastern Europe and Central Asia through Kosovo and Macedonia. While Serbia cooperates with its neighbors on individual cases, in order to better tackle the Balkan Route problem, Serbia needs to increase its coordination with other governments in the region. The government's refusal to cooperate with the relevant Kosovo officials seriously affects Serbia's efforts to combat trafficking of all types on this route.

There was an increase in labor trafficking cases compared to sexual exploitation cases in 2008. In less than half of the cases, women and girls were trafficked for sexual exploitation, compared to a majority of cases in 2007. NGO Atina noted that victims have been younger every year in recent years.

While government, NGO, and IO officials believe there is underreporting of victims, especially of male victims who are unlikely to come forward due to potential stigma, official figures generally track with those reported by NGOs and are probably the most accurate available.

1C. Victims are often lured by promises of jobs as dancers, waitresses, or sex workers but then are forced to work in those jobs in substandard conditions, have their documents confiscated, and are held against their will. Children are trafficked into petty crime or begging rings and live in crowded, substandard conditions with no access to school.

1D. As in previous years, women and children of poor economic means,

orphans, displaced persons, and individuals without documents are most at risk for trafficking.

¶E. Traffickers tend to be part of small crime groups with international links. They operate amid Serbia's black and gray markets, where it is not uncommon to deal with employers or recruiters making under-the-table deals promising travel and work opportunities. In most cases, friends or family members take part in the trafficking scheme, facilitating contact between the traffickers and victims. Many victims from Serbia reported to NGOs that their families sold them into trafficking as minors.

¶2. The Government's Anti-TIP Efforts

¶A. The government acknowledges that trafficking is a problem in Serbia.

¶B. There is a National Coordinator for Combating Trafficking in Persons, based in the Interior Ministry. The Coordinator heads the Republic Team to Combat Trafficking in Persons, which includes representatives from the Ministries of Foreign Affairs, Human and Minority Rights, Interior, Labor and Social Policy, Justice, Finance, Education and Sport, and Health, the government Council for Children's Rights, the Agency for Coordination of Protection of Trafficking Victims, the Supreme Court, and the Republic Prosecutor's office, as well as non-governmental and international organizations. The Republic Team has four working groups on Trafficking in Children, Prevention and Education, Protection and Assistance, and Prosecution. The Interior Minister leads the ministerial-level Council to Combat Trafficking in Persons, which sets government anti-trafficking policy.

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The Agency for Coordination of Protection of Trafficking Victims, based in the Labor and Social Policy Ministry, is responsible for victim identification, protection, and referral for assistance to state institutions or NGOs. The Agency also cooperates with NGOs and international organizations that provide protection services.

The organized crime police force includes a full-time anti-trafficking unit, and the border police force has a full-time office to combat trafficking and alien smuggling. There are anti-trafficking units in the police stations of every town. Some towns have special anti-trafficking teams that include police, prosecutors, social workers, and health workers, but they are not required and the teams exist only where local officials took the initiative to form them.

¶C. The position of the Coordinator was vacant for nearly a year, which led to diminished focus on anti-trafficking efforts. The position is now filled by a police officer experienced in combating trafficking (Ref B), and the Republic Team to Combat Trafficking in Persons and its working groups have resumed meeting. Lack of resources continues to be a problem. The Agency for Coordination of Protection of Trafficking Victims has no budget. NGOs that provide services to victims rely on a government fund generated from the government's sale of a special postage stamp in 2008 and funds from their donors.

¶D. The Ministry of Interior publishes information about anti-trafficking efforts on its website and operates a hotline to collect trafficking in persons-related tips for law enforcement. The Republic Team to Combat Trafficking in Persons writes periodic reports on the government's anti-trafficking activities. It will hold a meeting in March 2009 to measure the effectiveness of the first quarter's activities, with plans to hold quarterly meetings thereafter.

The National Coordinator for Combating Trafficking in Persons maintains a database designed to track trafficking cases from arrest through to sentencing; however, it currently only contains arrest and investigation data. The National Coordinator will hold a workshop in March to develop a formal data-sharing mechanism with the courts and the Justice Ministry to populate fully the database.

The Agency for Coordination of Protection of Trafficking Victims maintains a database of identified victims.

13. Investigation and Prosecution of Traffickers

1A. The 2006 Constitution identifies trafficking in persons and slavery as crimes. Serbia's Criminal Code (January 2006) specifically prohibits trafficking in persons for both sexual and non-sexual exploitation, covers internal and external trafficking, and differentiates between trafficking in persons and human smuggling. A separate article of the Criminal Code prohibits slavery.

1B. The penalty for trafficking in persons for both sexual and labor exploitation is 2 to 10 years in prison. For trafficking minors, the penalty is a minimum of 3 years. If the act of trafficking resulted in death, the penalty is a minimum of 10 years; if it involved serious physical injury, the penalty is 3 to 15 years. If there were multiple acts of trafficking or if perpetrated by an organized group, the penalty is a minimum of five years. The penalty for "slavery or a relationship similar to slavery" is 1 to 10 years in prison and includes anyone who buys, sells, or transfers the victim, anyone who helps in the purchase, sale, or transfer, and anyone who encourages a person to sell his or her freedom or the freedom of a dependent. The punishment for transporting a person held as a slave from one country to another is six months to five years. The penalty for any slavery offense against a minor is 5 to 15 years.

1D. The penalties for rape are the same as those for trafficking in persons (2 to 10 years in prison). The penalty for sexual abuse is 1 to 10 years.

1E. The National Coordinator for Combating Trafficking in Persons reported that prosecutors filed 32 charges against 74 individuals for trafficking crimes, mostly related to sexual exploitation, in 2008. Trials can take years due to an inefficient court system, and defendants are often not held in detention during the trial and appeals. By law, defendants are only detained during the appeals process if their sentence was greater than five years. The National Coordinator identified this as a weakness in the law that he would like the Council to Combat Trafficking in Persons to address in the future.

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The Agency for Coordination of Protection of Trafficking Victims reports that sentences recently have been higher, thanks to increased training for judges. In December 2008, a trafficker who had trafficked and tortured victims while out of jail during an appeal for a conviction of robbery was sentenced to eight years, based on testimony from one of his victims. The hearing, verdict, and sentence all occurred within one day. The defendant remains in custody pending appeal.

Serbia's Parliament passed a package of Judicial Reform legislation in December 2008, designed to improve the efficiency of the judicial system (Ref C). The Justice Ministry will release for public comment in March a draft of a revision of the Criminal Procedure Code (CPC) (Ref D), which will introduce prosecutor-led investigations and enable the use of special investigative techniques, such as wiretapping and witness collaborators. According to government and international organization officials, the improvements in the judicial reform package and the revised CPC will enhance efforts to combat trafficking.

1F. The government, mainly through NGO- and international organization-sponsored programs, provides extensive training to police, prosecutors, judges, and other officials in how to recognize, investigate, and prosecute trafficking. Some officials noted a need to extend more training to local police.

1G. According to the National Coordinator, the government continues to cooperate with all of its neighbors on anti-trafficking cases. Interior Minister Ivica Dacic has publicly stated repeatedly since

his appointment in July 2008 that regional cooperation is a priority for the ministry. International organization officials believe, however, that Serbia needs to increase its regional cooperation. While there have been individual examples of regional coordination, all Interior Ministries in the region need to develop mechanisms for formal cooperation, according to the International Organization for Migration (IOM). The government does not cooperate with Kosovo on any issues, which impedes its efforts to combat trafficking because Kosovo is the major transit country on the Balkan Route, through which trafficked persons are transited from Eastern Europe and Central Asia.

¶H. Serbian law prohibits the extradition of Serbian citizens, including those with dual citizenship, other than to the International Criminal Tribunal for the Former Yugoslavia. The Justice Ministry is currently drafting a Law on Cooperation on International Criminal Matters that will permit extradition, in accordance with EU standards. The Ministry expects to send the bill to Parliament in March 2009.

¶I. There is no evidence of systematic government involvement in or tolerance of trafficking.

¶J. The "Jet Set" trial, in which the Novi Pazar deputy public prosecutor was arrested and tried, concluded in August 2008. The deputy public prosecutor and eight others received sentences ranging from time served to eight years.

¶K. A prostitute's activities constitute a misdemeanor; facilitation of prostitution (i.e., the activities of brothel owners, operators, and pimps) is a criminal act. However, being a client of a prostitute is not an offense. The laws are generally enforced.

¶L. The government has not deployed more than 100 troops in international peacekeeping efforts. Officials at the Ministry of Foreign Affairs have, however, expressed an interest in receiving training materials on anti-trafficking awareness for military personnel with the objective of preventing exploitation and sexual abuse.

¶M. We are not aware of any child sex tourism or demand for child sex tourism in Serbia.

¶4. Protection and Assistance to Victims

¶A. The government has a witness/victim protection service and provides free access to medical care for both foreign and domestic trafficking victims. The government partly funds NGOs that provide two shelters and legal, psychological, and reintegration services.

¶B. Serbia has victim care facilities for foreign and domestic trafficking victims, primarily operated by NGOs. The NGO Counseling Center against Family Violence runs a shelter for foreign

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trafficking victims. NGO Atina runs a shelter/transition house for domestic and foreign trafficking victims. ASTRA runs a drop-in center that provides legal, medical, psychological, and other support. The Victimology Society of Serbia has a drop-in victim support service that offers all victims of crime emotional support, provides information on their rights and on specialized services available in Belgrade, and refers victims to such service providers. The International Organization for Migration (IOM) can provide funds for returns and repatriations on an ad hoc basis and operates a joint reintegration program with NGO Atina.

Child victims are placed in the same shelters as adult victims until foster care or other services can be arranged. There are no specialized services for men, but men and women have access to the same services.

Officials from the Agency for Coordination of Protection of Trafficking Victims noted a need to develop legal or regulatory standards for NGOs that provide victim assistance.

¶C. By law and in practice, domestic and foreign victims of trafficking can receive free medical assistance in public clinics. NGOs provide victims shelter, medical treatment, psychological counseling, and reintegration assistance (see paragraph B). The government funds the salaries of two full-time staff at the Agency for Coordination of Protection of Trafficking Victims. The government also provides grants to NGOs with the remaining proceeds of a special anti-trafficking postage stamp sold in January 2008 (Ref E). These grants, along with funds from international donors, fund the victim services provided by NGOs. The government also uses the stamp fund to fund travel for Agency staff and emergency support for victims, including immediate food, clothing, travel, and shelter needs. There are currently no plans to increase the budget for the Agency.

¶D. Foreign victims are entitled to the same services that domestic victims receive, including free medical care. The government provides temporary residence permits for foreign victims of trafficking free of charge, upon recommendation of the Agency for Coordination of Protection of Trafficking Victims. Permits are typically issued for an initial period of three to six months, up to one year. Victims may adjust their status to remain in Serbia if they choose. The residency permits are available to any foreign victim and not contingent on cooperating with investigations or prosecutions. There were no reports that foreign victims were forced to return to their home countries.

¶E. NGOs provide reintegration assistance to domestic and foreign victims, partly funded by the government's special stamp fund. IOM assists foreign victims who wish to remain in Serbia.

¶F. The Agency for Coordination of Protection of Trafficking Victims is responsible for identifying victims and cooperating with NGOs and international organizations that provide victim services. Police, NGOs, shelters, and anti-trafficking hotline operators work directly with the Agency when they suspect they have a victim of trafficking, and one of the two members of the Agency responds immediately to provide identification and emergency support. This referral process is currently informal.

The government for the first time in 2008 authorized the NGO Atina's personnel to respond to referrals during the summer months when the Agency was only staffed by one person at a time. While the Agency is usually able to respond to all referrals, the two staff members are overworked, and the office needs more personnel and resources. Staff at the Agency believe the government will allocate more resources to victim protection in the coming year as part of the government's implementation of Schengen visa-free regime requirements, but they are uncertain how that money will be allocated.

The National Coordinator for Combating Trafficking in Persons has begun discussions in the Republic Team to Combat Trafficking in Persons and working groups for a formal National Referral Mechanism.

¶G. In 2008, the Agency for Coordination of Protection of Trafficking Victims identified a total of 55 trafficking victims, referred by a combination of law enforcement, social services, and NGOs. Of the 55, 18 were placed in shelters and 37 were not, although they were eligible for certain other services, such as free medical care.

¶H. Because most of the trafficking in Serbia is for sexual exploitation, Serbian authorities have made at-risk services (night clubs, restaurants, massage parlors, discos, etc.) the focus of

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training for law enforcement. Consular and border officials are also trained to look for signs of trafficking in immigration cases. The National Referral Mechanism (see paragraph F) will improve the ability of these personnel to identify and refer victims from at-risk populations. Until the government of Serbia finds a mechanism for cooperation with relevant officials from Kosovo, however, these efforts will not cover the main trafficking route from Kosovo into Serbia.

I. Generally, the rights of victims are respected. While officials believe authorities occasionally fail to recognize a victim immediately, victims generally are not detained, jailed, or deported. There were no reports of such detentions or that victims were prosecuted for violations of other laws during the reporting period.

J. The government encourages victims to assist in the investigation and prosecution of trafficking, and facilitates this through its victim/witness protection program. An Agency for Coordination of Protection of Victims or an NGO official remains with victims during trials. The Agency said separate waiting rooms for victims in the courts would increase their comfort. The length of trials makes it burdensome for victims, and a long lapse in time after an offense occurs makes it difficult for victims to testify consistently. Cases usually depend on victim testimony, because there is no physical evidence. According to NGOs, most identified trafficking victims report their crimes to the police and assist them in their investigations.

Serbia also allows victims to file civil suits against their traffickers for compensation. Victims who are pursuing criminal or civil suits are entitled to temporary residence permits and may obtain other employment or leave the country pending trial proceedings. There is no restitution program, but it is possible in both criminal and civil proceedings for judges to award plaintiffs compensation.

K. The government provides specialized training for government officials, including police, consular officers at Serbia's embassies, and social welfare workers in recognizing trafficking and providing assistance to victims.

L. Serbian citizens who are repatriated as victims of trafficking are entitled to the same assistance as victims identified in Serbia.

M. Several local and international NGOs, including the Serbian Red Cross, Beosupport, the Child Rights Center, the Anti-Trafficking Center, Counseling against Family Violence, Atina, Astra, the Victimology Society of Serbia, Save the Children UK, and the Christian Children's Fund, work with trafficking victims and participate in the Republic Team to Combat Trafficking in Persons and its working groups. International organizations include the International Organization for Migration, the Organization for Security and Cooperation in Europe, UNICEF, and the UN High Commissioner for Refugees. The U.S.-based NGO Fair Fund maintains an office in Belgrade and works with Atina on a program that provides life skills and income to individuals in Atina's shelter.

15. Prevention

A. The Ministry of Interior publicized its trafficking tip-off hotline with a series of "People are not merchandise" posters and on its website. The NGO Astra, in cooperation with the Ministry for Human and Minority Rights and international donors, launched the Naked Facts campaign, which includes television spots and a billboard and poster ad campaign, in September 2008. The campaign features several prominent Serbian men displaying the Astra hotline number with the tagline: "Women are not meat. Children are not slaves. People are not merchandise." The campaign is intended to target demand for trafficking as well as individuals who may see evidence of trafficking.

B. The office of the National Coordinator for Combating Trafficking in Persons plans to examine immigration and emigration data for patterns of evidence of trafficking. The National Coordinator is also looking at the potential effects of Serbia joining the Schengen visa-free regime, which could at least temporarily facilitate trafficking by reducing document inspections into and out of Serbia.

C. Government agencies, NGOs, and international organizations coordinate all anti-trafficking efforts through the Republic Team to Combat Trafficking in Persons.

¶D. The government adopted a National Strategy to Combat Trafficking in Persons in Serbia in 2006. After the new National Coordinator for Combating Trafficking in Persons was appointed in November 2008, the working groups and the Republic Team to Combat Trafficking in Persons wrote a draft Action Plan for 2009-2011, which will go to each relevant minister for comment in February 2009. NGOs participate in the working groups and the Republic Team and contributed to the draft Action Plan. NGO and international organization representatives praise the efforts of the new coordinator because activities and planning now include all stakeholders.

Activities planned for 2009 are low or no-cost activities and focus on improving procedures and coordination, because the government has no budget for anti-trafficking activities for 2009, but the Republic Team's planning includes budget requests for 2010 and 2011. Because anti-trafficking measures are necessary for Serbia to join the Schengen visa-free regime, a top priority for the government, officials believe the government will fund anti-trafficking efforts next year.

¶E. Prostitution and facilitation of prostitution are illegal, and police enforce the relevant laws. The media publicizes law enforcement crackdowns on commercial sex establishments.

¶F. There is no evidence of Serbian citizens participating in international child sex tourism.

¶G. Serbia does not have over 100 troops in international peace efforts.

¶6. TIP Contact and Hours

Post's TIP contact is Bianca Menendez, 381-11-306-4654, fax 381-11-361-3962. Post spent a total of 43 hours on this report. The following individuals contributed to the report: FO-1: 1 hour, FO-2 (two officers): 32 hours, FSN-10: 10 hours.

MUNTER